

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

TIM W. DAVIS,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CV 11-130-BLG-RFC-CSO

**FINDINGS AND
RECOMMENDATION OF
UNITED STATES
MAGISTRATE JUDGE**

On February 13, 2012, the Court set a briefing schedule that required Plaintiff Tim W. Davis (“Davis”) to file a summary judgment motion and supporting brief by April 10, 2012. *DKT 13*. Davis did not comply with the Order.

On June 7, 2012 – nearly two months later – the Court issued an Order to Show Cause directing Davis to appear in writing by June 21, 2012, and show cause why this case should not be dismissed for failure to prosecute. *DKT 15*. To date, Davis has not responded to the Order. It appears to the Court that Davis has abandoned this action. Accordingly,

IT IS RECOMMENDED that this case be DISMISSED for failure to prosecute.

NOW, THEREFORE, **IT IS ORDERED** that the Clerk shall serve a copy of the Findings and Recommendation of United States Magistrate Judge upon the parties. The parties are advised that pursuant to 28 U.S.C. § 636, any objections to the findings and recommendation portion of this document must be filed with the Clerk of Court and copies served on opposing counsel within fourteen (14) days after service hereof, or objection is waived.

DATED this 10th day of July, 2012.

/s/ Carolyn S. Ostby
United States Magistrate Judge